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SUBJECT: INDEPENDENT ELECTION COMMISSION ANTICIPATES HURDLES,
PREPARES FOR 2010 LOCAL GOVERNMENT ELECTIONS

REF: MASERU 231

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¶1. SUMMARY: In their July 14 meeting, Charge d' Affaires (CDA) and Limakatso Mokhothu, Chairperson of the Independent Electoral Commission (IEC), discussed challenges facing Lesotho as it prepares for the 2010 local government elections. Other topics of discussion focused on the Masire report (reftel), pertaining to the controversial allocation of proportional seats in the National Assembly, and the delimitation of constituency boundaries for the 2012 national elections. Mokhothu also addressed internal political party strife and weaknesses in the electoral law. END SUMMARY.

¶2. The Chairperson of the IEC indicated to CDA that elections are a big business and so there will always be some contentious issues. She asserted that the IEC has integrity and they are committed to doing the best they can; however, she acknowledged mistakes do happen. She pointed out that when burning issues come up, the IEC is always ready to listen to all sides. Responding to a question regarding Masire's report, Mokhothu stated that she could not comment on the report because she has not yet had the chance to discuss it with the other two IEC commissioners and technocrats in her office. She did observe that the Masire report seems to have stirred up strong emotions, with some people expecting proportional representation (PR) seats in the National Assembly to be re-allocated when Parliament resumes work in early September.

¶3. Mokhothu went further to add that there is a false interpretation of the law regarding the controversial alliances which were formed by some political parties prior to the 2007 snap elections. She observed that on the one hand, some people suggest the governing Lesotho Congress for Democracy (LCD) - National Independent Party (NIP) alliance was illegal, while on the other, they say the All Basotho Convention (ABC) - Lesotho Workers Party (LWP) alliance was legal. She stressed that "if a party alliance is wrong, it is wrong" for both sides. She cited the case filed by the Marematlou Freedom Party (MFP) against the allocation of PR seats and alliances and stated that under the current electoral law, alliances are not addressed and there is no legal basis for ruling on them.

¶4. Mokhothu stated that because the proper interpretation of the law talks about political parties only, the Basotho African Congress and the Lesotho People's Congress took the legal route and formed the Alliance of Congress Parties, thereby becoming one party. In this way, they were in compliance with the law, unlike the ABC and LCD, which formed informal alliances. She emphasized that the IEC did not break any electoral law but acknowledged that they made a mistake for accepting the aforementioned informal party alliances.

¶5. The IEC chair also said that agrees that mediation on this issue has been necessary, since "Basotho do not seem to be able

to hold dialogue on their own." CDA informed Mokhothu that Masire made a similar observation at a meeting with the diplomatic corps, that there appears to be a deep-rooted division amongst Basotho as a result of political differences. Related to the high level of tension between politicians, the IEC Chair also touched upon the issue of recognizing the ABC leader as the official opposition leader in Parliament, but she emphasized that it was a Parliamentary issue and not one for the IEC to address.

16. Regarding the local government elections, Mokhothu indicated that she foresees problems regarding the rotation of Electoral Divisions reserved for women. (Note: The Local Government Law required thirty per cent (30%) of identified electoral divisions to be reserved exclusive for women only. Prior to the 2005 local government elections, opposition parties had suggested that political parties should have been required to ensure that 30% of their candidates were women, instead of designating certain units of local government reserved for women. They had argued that it was an unfair advantage for women and denied strong male candidates from those localities the opportunity to stand as candidates. End note.) She also mentioned that another contentious issue was the nomination of candidates. She stated that as a result of intra-party feuds, some parties end up with up to five (5) candidates in one electoral division instead of one. Mokhothu also denied rumors that the 2010 local government elections might be postponed and held together with national elections as a cost-saving measure, stating that such a change would require the existing election laws to be amended.

17. The Chairperson concluded by pointing out that she foresees problems with regard to the delimitation of constituencies for the 2012 elections because the process requires a constitutional amendment, which may take time. The constitution requires that constituency boundaries be reviewed and redrawn as necessary every 10 years, based on the data provided by the national census. Mokhothu stated that because there was no census data

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to work with, the review could not be completed; because so much time has lapsed, a constitutional amendment giving the IEC a new way forward must be put forth by the Attorney General for Parliament to consider.

18. COMMENT: The meeting was candid and open. Mokhothu, who has 6 years experience with the IEC, is highly knowledgeable given her background with NGOs and also as former Governance Advisor for the Irish Embassy. She appears to be a capable technocrat and did not seem to have overt ties to the governing LCD. Her assertion that the delimitation of constituencies requires a constitutional amendment raises questions about whether such an amendment will ever be introduced by the Attorney General. Local experts agree that in a delimitation process, the LCD would lose significant support, as urban areas that are currently under-represented in Parliament tend to support the ABC and other opposition parties.

19. COMMENT continued: Mokhothu correctly observed that passions are running high as a result of the Masire report. Local observers fear the possibility of political violence when Parliament resumes work in early September. It is unclear what course of action opposition parties will take as the country prepares for the 2010 local government elections, currently planned for April. The IEC is expected to issue the writ of the LG elections in January 2010. Post will continue to consult various stakeholders and encourage all parties to remain non-violent.
Power